

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: § CASE NO. 09-34419-H1-7  
§  
AOK Construction, L.L.C. § (Chapter 7)  
d/b/a AOK §  
Debtor §

**NOTICE OF TRUSTEE'S DECISION NOT TO INITIATE LITIGATION**

TO ALL CREDITORS AND PARTIES IN INTEREST:

On September 10, 2009, the Court entered an Agreed Order Granting the Trustee's Agreed Motion to Allow "Carve Out" and to Surcharge Collateral Pursuant to 11 U.S.C. §506(c) (the "Order").[Docket Entry # 27]. The Order contained the following:

**ORDERED** that the Trustee shall have until October 15, 2009 (the "Litigation Deadline") to initiate litigation against BoA or any of the Lenders in order to (i) assert any causes of action the Debtor's Estate may have against them and/or (ii) to challenge any of their debt claims and/or liens against the property of the Debtor's Estate (the "Litigation"). It is further

**ORDERED** that the Trustee and BoA may agree in writing to extend the Litigation Deadline without further Order of the Court, provided that such extension is in writing. It is further

**ORDERED** that if the Trustee does not initiate the Litigation prior to the Litigation Deadline or the Trustee and BoA do not agree to an extension in writing, the Trustee thereby waives his right to initiate the Litigation or to authorize any other party to initiate the Litigation.

The Trustee and Bank of America have extended the Litigation Deadline by agreement to November 10, 2009. The Trustee and his counsel have reviewed the lender's and the Debtor's pertinent documents. Trustee has determined in his business judgment not to initiate any litigation pertaining to the matters subject to the November 10, 2009 Litigation Deadline.

Dated: November 6, 2009

/s/ David Askanase, Trustee  
David Askanase, Trustee  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion has been sent to all parties listed on the “Service List” attached hereto by U. S. mail, first class, postage prepaid on this the 6th day of November, 2009.

*/s/ David Askanase* \_\_\_\_\_

David Askanase